

HOUSE BILL 2075

By Sexton J

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5; Title 39, Chapter 15, Part 2; Title 63, Chapter 6, Part 2 and Title 68, Chapter 3, relative to the reporting of certain information regarding abortions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-15-203, is amended by deleting the section and substituting the following:

(a)

(1) A physician performing an abortion shall keep a record of each procedure.

(2)

(A) The person whose duty it is to keep and maintain records for a facility or physician's office in which an abortion is performed shall report the procedure to the commissioner of health and the district attorney general of the district in which the abortion is performed. The commissioner shall provide a copy of the report to the office of vital statistics within the department of health.

(B) Any facility or person required to file a report under this subdivision (a)(2) who knowingly fails to do so shall be subject to a civil penalty assessed by the commissioner of not more than five hundred dollars (\$500) for each report. In addition to the civil penalty, failure of a facility to file a report shall be grounds for suspension of the facility's license under § 68-11-207 for up to thirty (30) days and failure of a

physician's office to file a report shall be grounds for suspension of the physician's license under § 63-6-214 for up to thirty (30) days.

(b) The report required by subdivision (a)(2) shall be submitted at the time and in the form as prescribed by the commissioner of health; provided, however, that the report shall include the following information:

- (1) Gestational age of the aborted fetus;
- (2) Date and method of the abortion procedure;
- (3) Gender of the aborted fetus, if ascertainable;
- (4) Age of the woman receiving the abortion;
- (5) Facility where the abortion was performed;
- (6) Name of the attending physician; and
- (7) Specific method of disposal or other disposition of the fetal remains, if there are remains.

(c) The individual undergoing the abortion shall be assigned a unique identifying number which shall be placed on the report and maintained by the person whose duty it is to keep records for the facility or physician's office in the event retrieval of further information is necessary. The individual undergoing the abortion shall not be identified by name on the report. Each record and report required by this section shall be confidential and not open for public inspection; provided, however, the office of vital statistics shall compile and make public nonpersonal statistical data compiled from information contained in the reports.

SECTION 2. Tennessee Code Annotated, Section 68-3-102, is amended by deleting subdivision (8) and by adding the following, appropriately designated subdivision:

"Abortion" has the same meaning as defined in § 39-15-201;

SECTION 3. Tennessee Code Annotated, Section 68-3-505, is amended by deleting the section and substituting the following:

The person whose duty it is to keep and maintain records for a facility or physician's office in which an abortion is performed shall report the procedure as

required by § 39-15-203. If the abortion was performed outside an institution, the attending physician shall prepare and file the report.

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it.